

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on April 5, 2011 at 9:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chairman (R)
Rep. Krayton Kerns, Vice Chairman (R)
Rep. Diane Sands, Vice Chairman (D)
Rep. Liz Bangerter (R)
Rep. Robyn Driscoll (D)
Rep. Bill Harris (R)
Rep. Ellie Boldman Hill (D)
Rep. David Howard (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Mike Menahan (D)
Rep. Michael (Mike) More (R)
Rep. Jesse O'Hara (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Dan Skattum (R)
Rep. Bob Wagner (R)

Members Excused: None

Members Absent: Rep. Kris Hansen (R)
Rep. Cleve J. Loney (R)
Rep. Wendy Warburton (R)

Staff Present: Karen Armstrong, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 187, 3/30/2011; SB 322, 3/30/2011; SB 421, 3/30//2011

Executive Acton: SB 187, SB 421

HEARING ON SB 322**Opening Statement by Sponsor:**

00:01:08 Sen. Joe Balyeat (R), SD 34, opened the hearing on SB 322, Referendum to revise venue for lawsuits challenging validity of statute.

00:02:26 Rep. Hansen arrived.

Proponents' Testimony: None**Opponents' Testimony:**

00:07:33 Ann Brodsky, Governor's Chief Legal Counsel, Governor's Office

00:13:13 Rep. Hill exited.

Informational Testimony: None**Questions from Committee Members and Responses:**

00:15:47 Rep. Bangerter
00:16:02 Sen. Balyeat
00:16:09 Rep. Howard exited.
00:16:29 Vice Chairwoman Sands
00:16:43 Sen. Balyeat
00:17:56 Vice Chairwoman Sands
00:18:08 Sen. Balyeat
00:18:25 Vice Chairwoman Sands
00:18:49 Sen. Balyeat
00:19:26 Vice Chairwoman Sands
00:19:35 Sen. Balyeat
00:19:56 Rep. MacDonald
00:20:47 Rep. Hansen exited.
00:21:03 Ms Brodsky
00:21:30 Rep. Hill returned.
00:21:36 Chairman Peterson
00:22:15 Sen. Balyeat
00:22:31 Chairman Peterson
00:23:00 Sen. Balyeat
00:23:14 Rep. Howard returned.

Closing by Sponsor:

00:23:24 Sen. Balyeat

HEARING ON SB 421**Opening Statement by Sponsor:**

00:23:46 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 421, Revise animal welfare laws.

00:25:38 Rep. Howard exited.

00:26:02 Rep. Wagner exited.

Proponents' Testimony:

00:26:14 Ingrid Rosenquist, Deputy County Attorney, Yellowstone County

[EXHIBIT\(juh76a01\)](#)

[EXHIBIT\(juh76a02\)](#)

[EXHIBIT\(juh76a03\)](#)

00:27:12 Rep. Howard returned.

00:34:06 Mark Murphy, Montana County Attorneys Association (MCAA)

00:36:01 Rep. Read exited.

00:37:28 Rep. Wagner returned.

00:38:52 Stuart Doggett, Montana Veterinary Medical Association

00:39:18 Rep. Howard exited.

00:39:48 Sheryl Wood, Montana Association of Counties (MACo)

Opponents' Testimony:

00:40:24 Margaret Duezabou, self

00:42:35 Rep. Read returned.

Informational Testimony: None**Questions from Committee Members and Responses:**

00:44:25 Rep. Driscoll

00:45:02 Ms Duezabou

Closing by Sponsor:

00:45:33 Sen. Shockley

HEARING ON SB 187**Opening Statement by Sponsor:**

00:48:30 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 187, Generally revise public defender laws.

[EXHIBIT\(juh76a04\)](#)

[EXHIBIT\(juh76a05\)](#)

00:48:43 Rep. MacDonald

00:49:14 Rep. MacDonald exited.

00:49:23 Rep. Driscoll exited.

00:52:29 Rep. Loney arrived.

00:52:58 Rep. Driscoll returned.

00:55:11 Rep. MacDonald returned.

00:57:38 Rep. Hill exited.

Proponents' Testimony:

00:58:05 Fritz Gillespie, Chairman, Public Defender Commission

00:59:26 Rep. Hill returned.

01:01:32 Rep. O'Hara

01:01:44 Vice Chairwoman Sands exited.

Opponents' Testimony:

01:02:34 Larry Carver, Justice of the Peace, Judith Basin County; Vice President,
Montana Magistrates Association; Chairman, State Automation Committee

EXHIBIT(juh76a06)

EXHIBIT(juh76a07)

01:13:19 Chairman Peterson

01:13:54 Mr. Carver

01:13:58 Chairman Peterson

Informational Testimony:

01:14:16 Randi Hood, Chief Public Defender, Office of the Public Defender, Department
of Administration (DOA)

01:14:43 Sheryl Wood, Montana Association of Counties (MACo)

Questions from Committee Members and Responses: None**Closing by Sponsor:**

01:17:42 Sen. Shockley

01:19:20 Vice Chairwoman Sands returned.

01:24:49 Recessed until 10:45

01:40:40 Resumed with Rep. Menahan, Rep. Warburton and Rep. Hill absent

EXECUTIVE ACTION ON SB 421

01:41:16 **Motion:** Rep. Kerns moved that **SB 421 BE CONCURRED IN.**

Discussion:

01:41:35 Vice Chairman Kerns

01:42:17 Rep. Menahan returned.

01:42:55 Rep. O'Hara

01:43:38 Rep. Harris

01:44:14 Rep. Kerns

01:44:32 Rep. Wagner

01:46:13 Rep. Driscoll

01:46:45 Rep. MacDonald

01:48:11 Rep. Skattum

01:48:34 Rep. Bangerter

01:49:02 Rep. Loney

01:49:49 Rep. Pease-Lopez

01:50:31 Chairman Peterson

01:51:26 Rep. More

01:52:16 Rep. Harris

01:52:50 Chairman Peterson

01:53:12 **Vote:** Motion carried 11-9 by roll call vote with Rep. Hansen, Rep. Harris, Rep. Kerns, Rep. More, Rep. Read, Rep. Regier, Rep. Skattum, Rep. Wagner and Rep. Warburton voting no. Rep. Hansen, Rep. Hill and Rep. Warburton voted by proxy. Rep. Driscoll will carry the bill.

01:54:49 Chairman Peterson

EXECUTIVE ACTION ON SB 187

01:55:07 **Motion:** Rep. Kerns moved that **SB 187 BE CONCURRED IN.**

01:55:24 Chairman Peterson

01:55:29 Mr. Niss

01:56:00 **Motion:** Rep. K. Peterson moved that **SB 187 BE AMENDED.** (See Exhibit 5)

Discussion:

01:56:56 Rep. MacDonald

01:58:04 Chairman Peterson

01:58:08 Mr. Niss

01:59:10 Rep. MacDonald

02:00:00 Rep. Menahan

02:03:22 Chairman Peterson

02:04:01 Rep. Wagner

02:06:32 Chairman Peterson

02:07:06 **Vote:** Motion carried 19-1 by roll call vote with Rep. Kerns voting no. Rep. Hansen, Rep. Hill and Rep. Warburton voted by proxy.

02:08:08 **Motion:** Rep. Kerns moved that **SB 187 BE CONCURRED IN AS AMENDED.**

Discussion:

02:08:20 Rep. MacDonald

02:08:40 Rep. Menahan

02:10:00 Rep. Skattum

02:10:20 Rep. Menahan

02:12:00 Rep. More

02:12:32 **Vote:** Motion carried 15-5 by roll call vote with Rep. Kerns, Rep. Regier, Rep. Skattum, Rep. Wagner and Rep. Warburton voting no. Rep. Hansen, Rep. Hill and Rep. Warburton voted by proxy. Rep. Peterson will carry the bill.

02:13:54 Chairman Peterson

ADJOURNMENT

02:17:56 Adjournment

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh76aad.pdf](#))